

BOARD POSITION ON THE USE OF INTERMEDIARIES

In response to your request for information regarding relaying of medical orders to registered nurses utilizing an intermediary, it is the position of the Board of Nursing that it is permissible for a nurse to both relay a physician's order as an agent of the physician, and to accept a physician's order as relayed by the physician's agent. Where a physician utilizes an agent to relay the medical order, it is construed as the order of the physician, though the nurse receiving the order retains the rights to either decide not to accept the order or to clarify the order directly with the physician if there are any questions. The underlying basis for permitting use of intermediaries in relaying physician's orders is Wis. Stats. sec. 448.03(2)(e), which permits physicians to delegate patient services under the supervision and inspection of a physician who has the power to direct, decide and oversee the implementation of the patient services rendered. It may be noted, however, that inasmuch as one relaying a physician's order is exercising no discretionary authority no true delegation may be said to occur. Rather, the agent is merely transmitting information pertaining to physician's order.

While the Board of Nursing permits relaying of orders to RN's and LPN's by physicians using an intermediary, the Department of Health & Social Services has a more restrictive rule. In facilities where that department has jurisdiction, the more restrictive rule would apply and, where that situation exists, the Board of Nursing has historically deferred to the Department of Health & Social Services.